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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,959	09/26/2000	Scott C. Harris	TV-Browsing/SCH	5133

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,959

Applicant(s)

HARRIS, SCOTT C.

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Zavrel (U.S. Patent No. 5,812,930).

Regarding claim 1, Zavrel discloses "an audio/video/data distribution system (Fig. 3) comprising:

a transmission station that uplinks audio and video signals (Fig.3/item 23 & 25, and col. 8/line 41 to col. 9/line 44 for transceivers 23 & 25);

a satellite that receives said uplinked audio and video signals, and downlinks said audio and video signals (Fig. 3 for a satellite shown, and col. 2/lines 44-67 for direct satellite broadcast is addressed);

a base unit that receives said downlinked audio and video signals, converts said downlinked audio and video signals to wireless local retransmission signals, and transmits said local retransmission signals over the airwaves via a first transmission element, i.e., a broadband broadcast station 25 capable of providing satellite broadcasting or conventional

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broadcasting served as a base unit that provides audio and video signals to device 10 via wireless local signals for local use over air waves using the broadcast receiver within the device 10 (refer to Fig. 3 and col. 8/lines 20-40), and the station 25 is connected to base unit 23 for bi-directional connection to server 20 using RF signals for wireless –narrowband transmissions, and/or Ethernet for wireline, refer to col. 8/lines 4-19 (the base units 23 & 25 can be regarded as one entity within a close proximity for handling broadcasting and transmitting/receiving signals); and

at least one portable audio/video/data display unit having communication circuitry that allows two-way communication with said base units said communication circuitry being connected to an element that receives said transmitted local retransmission signals (Fig. 3 for system 10 and as illustrated in Figs. 1 & 2, system 10 is a portable PDA device provides two-way communication to system server 20 and transceivers 23, see more on col. 5/lines 42-67 as the device 10 communicates with the transceiver 23 as radio transceiver 13 is “attuned” to the transceiver 23), said display unit recovering said video signals from said local retransmission signals, displaying said video signals on a display portion of said display unit, and playing said audio signals on a speaker (Fig. 4 shows internal details of mobile device as shown in Figure 2 with an LCD display 15 and audio codec 54 and speaker 55 for producing video and audio from the received video and audio signals, more on col. 9/line 59 to col. 10/line 42).

As for claim 2, in view of claim 1, Zavrel discloses “said downlinked video and audio signals are converted to an MPEG format before said signals are converted to said local retransmission signals”, i.e., MPEG processor is used within system 130 before the signals are converted to the local retransmission signals to the user (Fig. 6/item 138) as system 130 with cable/modem interface 152 can serve as a base station for mobile unit 10.

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As for claim 3, Zavrel discloses “wherein said local retransmission signals comprise RF signals transmitted using a spread spectrum technique” (as shown in Fig. 3, mobile device 10 uses RF transmission signals to server 20, and spread spectrum can be used, col. 6/line 66 to col. 7/line 46).

As for claim 4, Zavrel shows “wherein said base unit comprises a subscription television converter” (Fig. 6 is a set top television decoder, and ‘pay-per-view’ suggests a subscription is required if the user likes to use the service, col. 12/line 32-50).

As for claim 5, Zavrel discloses “wherein said base unit comprises an integrated receiver/decoder” (Fig. 6 showing a set top terminal which is an integrated receiver/decoder for 2 tuners for receiving cable and television signals and other camera signals, games, VCR signals, with an MPEG decoder).

As for claims 6 and 7, Zavrel shows “wherein said base unit receives at least some of said video signals from a local audio/video/data source” and “wherein said base unit receives at least some of said video signals from a camera” (Fig. 6, and col. 12/lines 32-58 for local audio/video/data source as from CD, VHS, and from a camera at camera port 142).

As for claim 8, in view of claim 1, Zavrel discloses “wherein said portable audio/video/data display unit comprises: a display portion capable of displaying video signals; an audio speaker for playing audio signals that accompany said video signals; a user control panel; a compact unitary housing which contains and protects said display portion, said audio speaker, said user control panel, said communication circuitry” (Fig. 4, and col. 9/line 59 to col. 10/line 47 for all of these elements, since portable device 10 is a PDA which includes all of these components).

As for claim 9, in view of claim 8, Zavrel also discloses “wherein said communication circuitry and said control panel interact to allow a user to send commands to said base unit via a back channel” (col. 10/lines 50-67 for a back channel addressed).

As for claim 10, in view of claim 9, Zavrel discloses “wherein said back channel communication comprises RF signals transmitted using a spread spectrum technique” (Fig. 3, and mobile device 10 uses RF transmission signals to server 20 or a set top terminal, and spread spectrum can be used, col. 6/line 66 to col. 7/line 46).

As for claim 11, in view of claim 1, Zavrel inherently shows “wherein the communication comprises RF signals, and said first transmission element and said reception element comprise omni-directional antennas” (transceiver 13 of mobile device 10 is a cellular phone, the signals transmitted (understood) in omni-directional pattern; thus, the received antennas must be omni-directional antennas for receiving these signals).

Regarding claims 12-20, these claims for “a portable audio/video/data display unit comprising: a display portion capable of displaying video signals; an audio speaker for playing audio signals that accompany said video signals; a user control panel; communication circuitry that allows bi-directional communication with a remote base unit that receives said video and audio signals from a satellite and encodes said video and audio signals and transmits said encoded audio and video signal to the portable display unit using spread spectrum techniques; a reception element connected to said circuitry; and a compact unitary housing which contains and protects said display portion, said audio speaker, said user control panel, and said circuitry, said communication circuitry and said control panel, interact to allow a user to send commands to a remote base unit, said communication circuitry operates using a spread spectrum technique”

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are rejected for the reasons given in the scope of claims 1-11 above which the portable unit are included and already disclosed within the distribution system above.

As for claims 21, Zavrel discloses "wherein a plurality of portable hand held display units are addressable by control signals from said receiver/decoder unit"; "wherein said control signals are coded"; and "wherein said control signals are prioritized" (col. 13/line 15 to col. 14/line 35 for control coding as to 32-bit for addressing memory mode, and control signals are pre-programmed, but they can be override or changed by an operator if needed for priority).

Response to Arguments

3. Applicant's arguments filed on 3/29/05 have been fully considered but they are not persuasive.

Applicant argues that server 20 is not receiving the broadband satellite signals and Zavrel does not teach or suggest a base unit that converts and downlinked audio and video signals to wireless local retransmission signals and transmits them over the airwaves. The Examiner respectfully disagrees because Zavrel discloses an exact same concept, although he might not show all detailed elements on the illustration of Figure 3. However, in the description of column 7, line 63 to col. 8/line 40, one should learn that the transceiver 23 is for communicating to server 20 and to mobile device 10, and the transmitter 25 is for transmitting of broadband signals, i.e., satellite broadcast carries digital audio and video with large size of data files or media files, over the space to another receiving base station same as station 25 for handling broadband signals; furthermore, the device 10 has a broadband receiver for receiving the broadband signals from station 25 as well as the transceiver 13 can communicate to the

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transceiver 23 for local retransmission over the air, then the device 10 forms a local wireless retransmission system with the server 20 and either to a printer 19 for a local use, for instance, retransmitting files or program using RF between the mobile device and the server and using IR signals between the device and the printer (as shown in Fig. 3).

Therefore, the Examiner believes Zavrel's reference does teach and suggest the claim languages of the present application for the reasons as discussed above.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB

June 7, 2005